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11 *Attorneys for Defendants Walmart.com USA LLC*

12  
 13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA

15 JAMES NOREM, on behalf of himself and others )  
 similarly situated, )

16 Plaintiff, )

17 v. )

18 NETFLIX, INC., and WALMART.COM USA LLC, )

19 Defendants. )  
 20 )  
 21 )  
 22 )  
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 24 )  
 25 )  
 26 )  
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 28 )

Civil Action No. CV-09-00956-MJ

**DECLARATION OF KATHRYN P.  
 HOEK IN SUPPORT OF  
 ADMINISTRATIVE MOTION TO  
 CONSIDER WHETHER CASES  
 SHOULD BE RELATED**

1 I, Kathryn P. Hoek, declare as follows:

2 1. I am a member in good standing of the California State Bar, an attorney at the law  
3 firm of Susman Godfrey LLP, and counsel of record for Defendant Walmart.com USA LLC in  
4 *Norem v. Netflix, Inc.*, Case No. CV-09-00956-MJ. I make this declaration based on my personal  
5 knowledge, and if called to testify to the contents, I could and would competently do so.

6 2. Attached as Exhibit 1 is a chart of the cases currently on file in the United States  
7 District Court for the Northern District of California, that have been deemed related to *Resnick v.*  
8 *Walmart.com USA LLC*, Case No. CV-09-00200-PJH ("*Resnick*").

9 3. Attached as Exhibit 2 is a true and correct copy of the class action complaint in  
10 *Norem v. Netflix, Inc.*, CV-09-00956-MJ ("*Norem*"), filed on January 28, 2009 in the Superior  
11 Court of the State of California in and for the County of Santa Clara, and removed on March 4,  
12 2009 to the United States District Court for the Northern District of California.

13 4. Attached as Exhibit 3 is a true and correct copy of the class action complaint in  
14 *Resnick*, filed on January 2, 2009 in the United States District Court for the Northern District of  
15 California.

16 5. Pursuant to Local Civil Rule 7-11, attached as Exhibit 4 is the stipulation reached  
17 by the parties as to the relation of *Norem* and *Resnick*.

18  
19 Dated: March 23, 2009

Respectfully submitted,

20 SUSMAN GODFREY L.L.P.

21  
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